

CACCC Meeting Report

March 8, 2004

Indianapolis, Indiana

Attendees:

Council members: Chuck Bauer, Paula Yeager, Frank Keeton, David Dimmich, Doug Metcalf, Doug Allman, Glenn Lange, Brad Thurston, Gene Hopkins; Facilitator: Tom Wasson; Recorder: Jeanne Odaffer, Secretary: Debbie Bray

Guests: 20+ members of the public attended various portions of the meeting.

Meeting Agenda Topics:

1. Agenda Review, Housekeeping & Meeting Logistics
2. Dr. Marsh's welcome
3. Review/Approval of February Meeting Report
4. Resolving Issues
5. Public Input – Morning & Afternoon
6. Comments by Director Goss and Dr. Marsh
7. Planning March Public Input Meetings
8. What Next?

1. HOUSE KEEPING AND MEETING LOGISTICS

Review agenda and objectives of today meeting
A brief report by Debbie Bray about the budget status.
Advised council about the arrangements for lunch.

2. DR. MARSH'S WELCOME

Dr. Marsh welcomed the Council to the Indiana Board of Animal Health's office in Indianapolis. He expressed support of the progress and continued work of the Council.

3. REVIEW /APPROVAL OF FEBRUARY MEETING REPORT

The council members had several adjustments in the draft February meeting report.
(Details comments were made on a copy of the report.)

- Page1 Add "generally speaking" in Lt. Col's statement "cannot control when criminals do criminal activity"
- Page 16 20 acres
- Page 6 "b)" different types of cover for different animals.
- Page 6 un-bold and remove asterisk
- Page 7 Add "x" All animals would be in compound prior to hunting that facility
- Page 11 Add to "K" Chuck will send letter
- Page 12 under "j" take out asterisk

- Page 12 remove asterisk in front of BOAH
- Page 14 no change
- Page 15 Add at end of the sentence. ..Hunters do not agree
- Page 15 7th from bottom: bold stars and sentence.
- Lt. Col. Wells – “Generally speaking conservation officers “we” cannot control when criminals do criminal activity.
- Add to the report the Farm Bureau policy statement provided by Pete Hanebutt

Council approved February minutes with changes

COMMENTS regarding last meeting and Pete’s position from Council members.

- Doug Metcalf : “Pete in Washington D.C. at this time. Pete advised that the identification of cervids with tags visible at 100 yards was an important issue to him.”
- Pete agreed to several issues that the “Farm Bureau” does not.
- Conflict in how Pete interprets “Farm Bureau’s” position
- Farm Bureau was influenced to send statement. Some Council members still angry with that.
- All organizations have a policy. Each group moves toward consensus.
- Each person has responsibility to move toward agreement

COMMENTS: regarding Chuck Bauer’s letter.

- Chuck wrote in letter that Representative Friend, BOAH, and IDNR agreed no activity in Legislature until Council was finished.
- Rep. Denbo said “Chuck over reacted and misconstrued his position. Too harsh in his use of words. Will send Chuck a letter?”
- Luke Kendley responded that he has not talked to Denbo , he will review Council works. He is not biased.
- Rep. Friend – did not seem happy. He hopes the Council succeeds but may not be able to come to consensus.

COUNCIL REACTION: The Council wishes to put this episode behind them.
However this indicates political influence, poison brewing in Legislation.

4. RESOLVING ISSUES

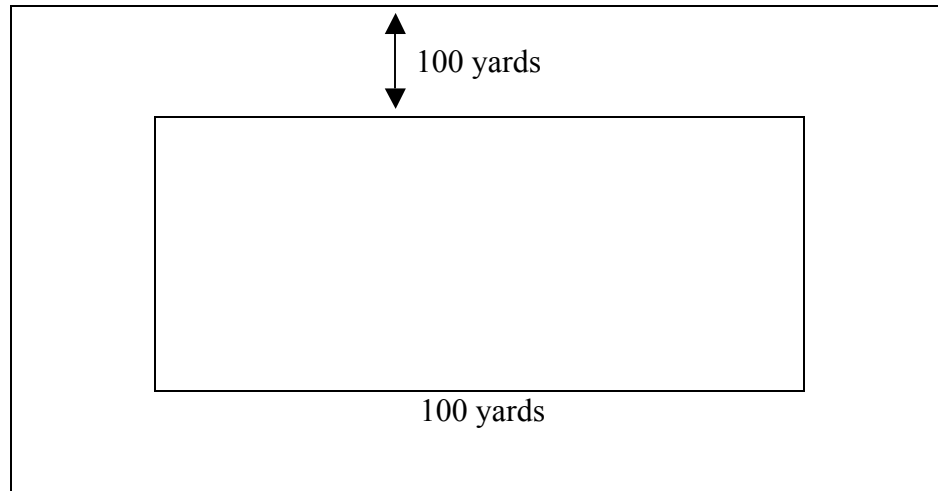
HUNTING BEHIND FENCE

The council spent a few minutes reviewing the progress made on this issue at the last meeting and listed the items that needed attention.

- a. Percentage and type of habitat would be difficult to enforce
- b. Want to make places that shoot behind fence to be called “Shooting Preserves”
- c. Make contingent upon continued holding of license. When asked to comment Lt. Col. Wells stated that it might be difficult to do and he does not know for sure.
- d. Shooting area size: County Commissioners can use Zone rules.
- e. Set back issue – Not relevant, no way to enforce.

- f. Legislature proposes every year to limit hunting close to residences. Shooting preserves should want to get along with neighbors. Trying to keep this issue out of Legislature.
- g. If trouble with hunting of any kind, “people” won’t call DNR, “people will call Legislature and they will call DNR. We need to address these issues. Need to do it now.
- h. Any regulations Council proposes for inside wire will migrate to outside wire,
- i. Setting precedent for all fenced facilities farming/other.
- j. Up to individuals who are not part of organization is why we need to do something reasonable now.
- k. Same inside as outside rules, (BT. Doug M.)
- l. Difference between inside and outside - animals can’t get away. In wild – can get away. Shooting toward fence dangerous.
- m. **PROPOSAL:** eliminate hunting on ground in fenced areas set specifics where stands are. (Doug M)
- n. Several agreed with compromise “no on ground hunting”
- o. Several expressed that they were “not sure constituents would agree”
- p. Industry was worried about hunters in trees. Do not agree with tree hunting.
- q. Industry felt adding complications of rules and regulations would move to outside fence.
- r. Can support “handicapped” who “has to hunt from ground”, the rest can shoot from tree/. They are guided and can make sure the hunter is ok. This solves all the problems
- s. Industry agreed to no stands and 75 yards. from fence
- t. Non-industry believes this is wrong thinking.
- u. Industry does not agree to any Hunting from trees and wants proposal off the table.
- v. Industry believes tree hunting is unenforceable, silly, too restrictive, can’t make judgment in distance.
- w. It was suggested industry could use “buffer zone” as they are used in Park hunts.
- x. Non-industry believes we need to be as reasonable as possible. Public is 2 to 1 against fenced hunting. Lots of pressure on DNR to make restrictive rules.
- y. Not excited about regulations
- z. Frank commented Public not 2 to 1 against fenced hunting. Sees not against fenced hunting and need for education.
- aa. It was suggested Council should move on from this point
- bb. Chuck disagrees with Frank’s statement and in his opinion public is more than 2 to 1 against.

All comments below are regarding artificial feeding, refer to this figure.
Figure 1.



Artificial Feeding Comments:

- a. Cannot come up with a solution to artificial feeding that does not mimic baiting even after consult with two biologists. Two suggestions are: 1) Night feeding or 2) continual feeder not electronic.
- b. Recommending "In shooting fenced area timed mechanical feeder during shooting season is illegal.
- c. Industry: is willing to be very flexible here, as long as the animals are fed
- d. Feeders that are always there create a habit for deer, it is then not hard to figure out where deer will go "conditioned"
- e. Feeding in multiple areas?
- f. No way to get around the issue – it does not fit
- g. No shooting within 100 yards, out of sight, multiple sites, no electrical/mechanical feeders.
- h. In shooting preserves deer eat during the day, wild deer eat at night.
- i. If buck feed at night, why don't you use doe as bait not feed?
- j. Can We Agree? 1) 100 yards from stand (safe area); 2) multiple feed locations; 3) no electrical feeders; 4) feeders out of sight; 5) no shooting zone, no being in zone when shooting.
- k. Doug A. commented whatever we do it is not fair chase. Still concerned about "backing deer into fence"
- l. Typical 80 acre "facility" 20 acres on side, some not square or rectangle.
- m. Doug M.'s model conceptually done well (see diagram above)
- n. No agreement on shooting area size
- o. If feeding along the fence it is attracting all deer to fence and wild deer to fence also
- p. Don't have to feed "against" fence
- q. Put feeders in 75 yard corridor
- r. Idea is a good idea. What we were getting at, plant something to cover stand. Intent not to hoot at feeder. How can we do this with words that we can live with. Something clear, accessible, able to function.
- s. How do we solve, feeding , shooting areas in a way that is easier to enforce.

- t. Conceptually agree to accept first 4 (items listed in “j”). In shooting areas now, maybe not practical.
- u. Stand cannot be in “zone” but can shoot toward “zone”
- v. Industry “asking too much to ask not to shoot when in area. Should be able to walk fence and shoot in area.
- w. For discussion “100” yard around feed or find deer within can shoot inward
- x. If can make “100” yards around feeder can make 100 yards. Zone
- y. If put feed in 1 or 2 areas it would eliminate problems
- z. If 100 yards circle around feeders can mark and stay out of area – easier to do and enforce
- aa. Animal has to be out of 100-yard area to shoot.
- bb. Set feeders wherever owners wants and keep 100 yards area.
- cc. Clarification on D.D. comment acreage backing up to 80 acres.
- dd. Doug A. Not OK with buffer zone if 80 acres wants Doug M’s model
- ee. 75 yard set back – no discharge of weapons in area OK to dispatch animal if injured.

5.PUBLIC INPUT - Morning (11:48AM)

1. _____ - Meetings North of US 30 would be better. Should have meetings in Napanee area. Lots of Amish farmers in that area. Includes Amish in US 31 area, Napanee, Topeka area.
2. George Boyee – Deer farmer concerned about trap against fence. Doug A. not concerned about livestock slaughter. Captive cervid just a form of live stock
3. Rodney Bruce has shooting facility – after shooter enters his facility he does not see the fence. Sportsmen who hunt his fenced area hunt outside fenced areas also.
4. Ed Reed – Set regulation that says you cannot shoot animal cornered in fence.
5. David Pierce, Pres. Deer Hunter Association – If you have safety zone within the fence, you should have same safety zone outside the fence also.
6. Don Worst – If Doug A. is adamant against fenced hunting, he has not hunted in fence and doesn’t know what he is talking about if he hasn’t hunted in a fenced area.

Lunch break

4. RESOLVING ISSUES - continued

Size of Shooting Area “Acreage”

The following is the dialogue regarding the size of a “shooting area”

1. 200 acres – 500 acres
2. Grand father existing 100 acre facilities
3. Dave D. advised that after meeting with constituents the min acreage need has to be at 80 acres
4. Started at 500 acres and in legislature, now down to 80 acre
5. Brad T. “at meeting constituents charged industry representatives to ask for 80 acres. Dave D. agreed with statement
6. If negate size issue all other issues are negated
7. Chuck B.- Proposed to say we came to agreement on some things and not on size.

8. Glenn L. -We can't suggest some things and let Legislature provide other.
9. Doug A. "we feel we have moved a lot from not wanting fenced facilities to exist to, OK to existing".
10. Brad T. "facilities do exist and can do on 2 acres. Some constituents can't increase to more than 80 acres (no land available).
11. Doug A. - 80 acres is a canned hunting.
12. Glen L. " we went from "No canned hunting at all" to "let those in business continue" This is big change". "Industry has not moved at all. They have gone backwards and asked for more.
13. Paula Y. – "anyone who grows deer will want to have canned hunt." It was said in the Legislature last year. "It is not acceptable to have less than 80 acres"
14. Chuck stated 80 acre facilities were not acceptable. Only 500 acres and no supplemental feeding.
15. Frank K. believes captive deer are different animals and they are on private property. DNR has no control over private deer and industry is willing to be under DNR.
16. Glenn L. stated the DNR does have control per statute on White-tailed deer. You (industry) say you are open minded and say you want to have "fair chase" on your facilities then turn around and say you have "domestic deer".
17. Paula Y. You (industry) said before that your deer will re-acclimate to the "wild" state in a few days. Now you are saying something different
18. Brad T. – different agencies have different opinions on "penned". Need to come to an agreement.
19. Dave D. – understands you feel you have given up something. Industry gives up "economic" things.
20. Paula Y.- Understand and respect industries situation. Other states have stopped "canned" hunts. If CWD walks in all citizens lose money.
21. Glenn L.- If CWD comes all of us lose. We are betting on our kids future, will they have white-tailed deer in the future. The people we are representing will not concede further.
22. Brad T.- remarked that IBA Director had not been polled in a survey Glenn L. mentioned.
23. Glenn L- replied the IBA Director wrote the survey for IBA.
24. Glenn L- come to agreement on as many as possible issues or Legislature will decide for us. He proposes taking two (2) proposals to the Public Input Meetings and we need to do as much as we can and leave "size" open.
25. Doug A. – Disagrees because the public perception may think we agree and not have size which is most important.
26. Chuck B- Isaac Walton League will not agree . Not willing to have "hunters proposal" but gave ok to further discussion.
27. Dave D.- If hunters don't agree who will you allow to make decisions.
28. Doug M- he stopped "two proposals" he will back off and agree to two proposals. If no proposal for Summer Session, the next Legislation will be looking at Budget –Next time is spring of 2006. You will see ugly things happen and Legislature may not have intestinal fortitude to deal with this. Maybe grandfather existing and have 12 months to reach final size. Sportsmen and Industry loose if no agreement.
29. Paula Y- likes Doug M's concept but not feasible with Industry view.

30. Gene H- yes we take huge risk – but does not want to be backed into corner to get what the Industry wanted in the first place.
31. Frank K- The Industry is not trying to back anyone into a corner. They want resolution, 500 acres is not a compromise. It can't be done in Indiana. Can't be done. So much of the discussion is about limiting farms and then they won't prosper. Industry wants to prosper. Too many limits and we can't prosper.
32. Dave D- understands where “deer people” are coming from. He does think a compromise is possible except for acreage. Acreage is not the only thing we have talked about. We both have worked long and hard.
33. Glenn L- we can progress if there is legitimate compromise and he has not heard legitimate compromise.
34. Paula Y- If we are setting standards and minimums they should be considered. Not our intent to make it easy and be dumping grounds in Indiana.
35. Dave D- not quite a fair analogy but demand is driving force. Not dictate failure.
36. Doug A- better analogy would be gambling laws do limit industry.
37. Brad T- we should continue it's better to come to some agreement, if not it is expensive to both of us.
38. Doug M- regarding disease risk: Cervids cannot come in from out of state until “live test”, we have agreed. Fair chase – risk. Using figure #1 hunter hunts from tree stand or wheel chair and not in buffer zone. Not truly wild deer, it is business. You go in to shoot deer, uniquely ID antlers. Although not ideal for “industry” not ideal for “hunter” either. If we don't come up with something it will be black-eye for all and an open season to make rules.
39. Gene H- can give wrong perception with acreage. Cannot agree at 80 acres. Am I willing to take Legislative risk? Yes
40. Doug A- is also willing to take Legislative risk. 80 acres is not acceptable. Let the public get involved. Is not going to endorse what he is diametrically opposed to.
41. Tom W- inquired: Are we willing to move forward on other areas?
42. Dave D- if we let the Legislature decide there is no telling what will come of it.
43. Frank K- agreed to 200 acres but overstepped our bounds with our constituents, 500 acres not acceptable.
44. Glenn L- compromise started at 500 acres. Should it be somewhere between 200 and 500 acres? Compromise should be give and take – no give by the industry.
45. Frank K- what do you want to offer? (to Glenn L)
46. Glenn L- If you say 80 acres what is the use of any talk?
47. Tom W – If we have a hard line at 80 acres can we move on to other areas?
48. Brad T- quoted news paper and feels he can't compromise.

Identification (ID)

Doug M – said USDA is coming out “national proposed cervid rules for identification”: unique individual ID (two of them) on each animal. Type of identification, not specified spoke about RF and tattoo.

PROPOSAL: ear tag to be easily identifiable at 100 yards.

The following is the discussion regarding Identification:

1. Brad T- would like “freeze brand”
2. Doug A- ear tag because public wouldn’t be able to identify freeze brand
3. Gene H- we need something visible to the eye and easy to see difference
4. Doug A- visible ear tag
5. Brad T- in a bigger facility it is harder to mark deer. Two forms of ID, one visible
6. Doug A- are elk ear tagged? Not required – per Frank and a small tag is used when elk are born and put a bigger tag on later. Elk can be caught, white tailed-deer are harder.
7. Doug M- on the farms he has been on they are tested regularly and can put tags on animal then.
8. Brad T- Buck only pens – natural addition can be fixed by killing doe.
9. Dave D. in favor of radio tags and freeze brand
10. Chuck B- can you see the brand? Yes
11. Gene H- to use RFID you need to be close
12. Brad T – yes, you can see a freeze brand
13. Dave D- freeze brand not as visible but on forever and not alterable
14. Frank K- Questions to Russ B: What does a freeze brand look like? It is white, usually put on hip, it can be any size, you can brand both sides. Animals that are not in breeding pens could be shot. Logistically difficult with deer in shooting area. Can you see at 100 yards? Yes with scope. Ear tags not good for industry and they do not want them.
15. Doug M- Board of Animal Health has control of brands. The challenge is: the brand does not uniquely identify but we could come up with a personal brand and could have chip. Brand not acceptable for interstate trade.
16. Doug A- Federal rule says 2 forms of I.D. , he recommends tag and brand because white color could be “pie bald” etc. and the tag is readily identifiable by public.
17. Frank K- Thinks Doug A. wants to cripple industry. People don’t want to see tag in videos.
18. Doug A- if you are shooting in a pen, people should know.
19. Chuck B- should be visibly identifiable
20. Dave D- escape is a rare occurrence
21. Brad T- when an animal gets out what happens? You should retrieve or kill animal ASAP
22. Frank K- escapes in past due to old poor fencing. As industry is all for better quality fencing, better standards, educate membership regarding standards. Once out (cervid) owner need ability to get animals back
23. Dave D- new fence agreement will help stop escapes
24. Chuck B- more hunt facilities mean more escapes. Will accept any two methods of identifying. One must be visible from a distance.
25. Gene H- give means to deal with escape to owner and make sure escape is reported and captured ASAP
26. Paula Y- question to Doug M- specified 2 forms of approved I.D. What forms will they be? Doug M- not sure what they will be
27. Brad T- Deer farm involved and will be up to speed quickly. They are pushing for chip but we can be more stringent.
28. Paula Y- Federal has minimum standards we can adopt more stringent ones.
29. Chuck B- wants something definite to see at distance. Brand both sides? RFID is tracking for life.

30. Gene H- ask DNR conservation officers. Jim M- federals don't require distance identification/remote ID. Its necessary to have distance ID not normally found in Nature. Minimum of 3, could have third – rump brand, chip and ear tag. You don't see rump on deer when hunting as often as head. You probably would have fewer misses with ear tag out than rump not seen.
31. Brad T- can agree to two forms of ID. One should be visible. Doug A., Chuck B., DNR, Gene H., Paula Y. want ear tags and should be different color than rehab. deer. The intent is the animal be identifiable at distance of 100 yards or more in case of escape so animal can be recovered or destroyed.
32. Identification is under purview of State Veterinarian
33. Glenn L- realistically we have agreed to things that are concept stage – in the rule writing stage things will change. With the Administrative Rule committee, Commission, etc. we will attempt and need to have as much information as possible to come closest to the Councils intent.
34. Doug A- will agree to ear tags only
35. Dave D- suggests we move on

Exit Strategy: For white-tailed deer. Which is a mechanism to allow a person to get out of the Industry.

1. Slaughter animals
2. For a period of time suspend rules to how and when to shoot. Be very liberal
3. Time frame different for larger facilities not too look like hunt
4. Once started limited time to get out
5. Statute says “deer damage” this may need to be changed.
6. facility cannot repopulate again after it has exited (getting out of industry)
7. Majority have sold animals. Some killed, some sold and ownership transferred of animals but animals stayed where they were.
8. Any examples or strategy reference depopulation of diseased animals allowing repopulation of animals on same land? Doug M- not allowed with best science you should keep susceptible species out
9. Facilities be inspected to insure that all animals have been removed

Penalties

Lt. Col. Jeff Wells spoke as requested.

Present regulations apply to white-tailed deer. With a game breeders license presently, violation is presently a “C” misdemeanor offence. This means penalty could include revocation of license. \$500 fine, 180 days in jail. Conservation officers seek voluntary compliance. It is at the discretion of CO, however Prosecutors and judges have a bearing in practical application of offences.

Does DNR have ability to pull license?

The offender can go through the Commission if the Commission agrees to pull license the individual can go through court and sue. (need to make sure this is correct)

BOAH has considered increasing penalties but legislature is not amenable to such changes.

- DNR should as for higher penalties because there is concern for habitual offenders. This would help deal with the issue of habitual violators of importation of deer dead or alive.
- Poaching is illegal. Can change law or more fines, larger fines not in cervid rules
- Importation is violation of State law. And because of disease risk the violation of importation restrictions we want to do these things:
 1. Make it a “D” felony
 2. Additional penalty forfeiture of equipment used or personal property
 3. Loss of license
- Violations: of Containment laws (fencing) could have a tier approach. Not reporting escapes, patrol of fence, accidents are accidents -misdemeanor?

8. COMMENTS BY DR MARSH AND DIRECTOR GOSS

- Dr. Marsh expressed to the Council how important their work is and wished they could be able to come to some consensus regarding the issues before them. He noted the Legislature could not come to an agreement and hoped the Council would have more to offer.
- Director Goss expressed his gratitude to the Council for this important undertaking. He commented on the importance of the Council to come to resolution on each issue. It is imperative to come to an agreement on the size of a proposed shooting preserve. If the Council does not come to consensus on the size, the DNR will have to set the size.

C. Bauer: Hunters and Farmers agree that Indiana should work harder to prevent CWD from coming to Indiana

9. PLANNING MARCH PUBLIC INPUT MEETINGS

How to present the information to the Public at the Open Houses?

- Doug M. Suggested that we use a table for each issue that lists the various element of the issue; to show the public where each side stood on the issues and that the Council does not have consensus on some items. Doug M. showed his mock up for Shooting Behind Fence.
- Council decided to do this with Shooting behind Fence, Penalties, Exit Strategy and Identification: Then the council broke into small groups to develop the tables.
- These tables were presented, reviewed and OK'd by the council
- Will get table finalized and draft to council members for review ASAP
- Need to put on Web site ASAP
- Need council comments by noon 3/12, if no comment assume OK

- Tom & Jeanne will work with Glen & staff to finalize, get on web and produce on large sheets for Open Houses
- Will print other issues on large sheets of paper for posting
- Open House Date/Time
 - DATE: March 19th & 20th Vincennes & Seymour
 - TIME: 2:00 PM to 7:00 PM
 - DATE: April 1st and 2nd Fort Wayne and Lafayette
 - TIME: 2:00 PM to 7:00 PM
- Handouts, charge, names and groups
- Roles for Council
 - Interact with public
 - Answer questions/listen
 - Share thought process
 - council meet together at end of each session and/or another meeting to debrief each other
 - Paula not available on 19th and 20th
 - Brad not available for 19th but there on 20th
 - Frank not available for 2nd there for 3rd
- Stations will be around the room with one or two Council members at each station
 - All draft recommendation printed large sheets and posted on wall around the room
 - Have comment sheets for public to write comments

8. WHAT NEXT

Monday April 5th 9:00 AM at BOAH

5. PUBLIC INPUT: - Afternoon 6:24 PM

George Vogee – Disheartened, offended essentially not a millionaire, cannot have hunting preserve. He is farmer and business man the council is suggesting if you don't have 500 acres you can't have a shooting preserve

Mike Yoqulet – disease is a factor, who will incur the cost if disease comes the few or all of the state? Safety in 20 acres per hunter with a 30. 06. you should only allow a bow.